
HOUSE BILL 1669

State of Washington 60th Legislature 2007 Regular Session

By Representatives Strow, Ericks, O'Brien, Rodne, Kirby, Haler, Eddy, Hinkle and Lantz

Read first time 01/24/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to district and municipal court preconviction and
2 postconviction probation and supervision services for persons charged
3 with or convicted of misdemeanor crimes; and adding new sections to
4 chapter 4.24 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW
7 to read as follows:

8 The legislature finds that the provision of preconviction and
9 postconviction misdemeanor probation and supervision services, and the
10 monitoring of persons charged with or convicted of misdemeanors to
11 ensure their compliance with preconviction or postconviction orders of
12 the court, are essential to improving the safety of the public in
13 general. Furthermore, the legislature finds that decisions concerning
14 whether criminal offenders are released into the community pretrial or
15 postconviction, including the revocation of probation, rest with the
16 judiciary.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.24 RCW
18 to read as follows:

1 A district court and a municipal court, and its officers,
2 employees, agents, and volunteers, who provide preconviction or
3 postconviction misdemeanor probation or supervision services, or
4 monitor a misdemeanor defendant's compliance with a preconviction or
5 postconviction order of the court, including but not limited to
6 community corrections programs, probation supervision, pretrial
7 supervision, or pretrial release services, are not liable for civil
8 damages resulting from any act or omission in the provision of such
9 services or monitoring, unless the act or omission constitutes gross
10 negligence. This section does not create any duty and shall not be
11 construed to create a duty where none exists.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 4.24 RCW
13 to read as follows:

14 The burden of proof in any action alleging damages as a result of
15 any act or omission in providing preconviction or postconviction
16 misdemeanor probation or supervision services, or monitoring a
17 misdemeanor defendant's compliance with a preconviction or
18 postconviction order of the court, is clear, cogent, and convincing
19 evidence.

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